

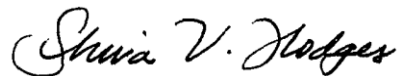
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

William McMurray,)	C/A No.: 1:12-1448-JMC-SVH
)	
Petitioner,)	
)	
vs.)	REPORT AND RECOMMENDATION
)	
Warden Robert Bollinger,)	
)	
Respondent.)	
)	

Petitioner, proceeding pro se, brought this action pursuant to 28 U.S.C. § 2254. Respondent filed a motion for summary judgment on September 26, 2012. [Entry #15]. As Petitioner is proceeding pro se, the court entered an order pursuant to *Roseboro v. Garrison*, 528 F.2d 309 (4th Cir. 1975), on September 26, 2012, advising him of the importance of a motion for summary judgment and of the need for him to file an adequate response. [Entry #17]. Petitioner was specifically advised that if he failed to respond adequately, Respondent's motion may be granted, thereby ending this case. On October 9, 2012, Petitioner filed a motion for appointment of counsel that he entitled "Response to Summary Judgment and Return." [Entry #19]. In denying Plaintiff's request for appointment of counsel on October 10, 2012, the undersigned noted that the motion did not contain any substantive arguments related to summary judgment and reiterated that if he failed to respond adequately, Respondent's motion for summary judgment may be granted. [Entry #21]. Notwithstanding the specific warning and instructions set forth in the court's *Roseboro* order and the court's October 10, 2012 order, Petitioner has failed to respond to the motion.

On November 6, 2012, the court ordered Petitioner to advise whether he wished to continue with the case by November 20, 2012. [Entry #23]. Petitioner has filed no response. As such, it appears to the court that he does not oppose the motion and wishes to abandon this action. Based on the foregoing, the undersigned recommends this action be dismissed for failure to prosecute. *See Davis v. Williams*, 588 F.2d 69, 70 (4th Cir. 1978); Fed. R. Civ. P. 41(b).

IT IS SO RECOMMENDED.

A handwritten signature in black ink that reads "Shiva V. Hodges". The signature is written in a cursive, flowing style.

November 30, 2012
Columbia, South Carolina

Shiva V. Hodges
United States Magistrate Judge